GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh Shops and Establishments Act, 1988- Grant of exemption to all retail enterprises from sections 7 ,9, 12, 23, 31 and 37 of the Act to keep open every day of the year for a period of Five(5) years – orders issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB-I) DEPARTMENT

G.O.MS.No. 26 Dated: 24-05-2016

Read the following:-

1. G.O.Ms.No.11, Industries and Commerce (P&I)Department ,Dt:11.01.2016.
2. From the commissioner of labour , A.P, Hyderabad, Lr.No.J2 /3783/2015, Dated: 28.01.2016.

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ORDER:

In the G.O 1ST read above , the Industries and Commerce (P&I) Department have issued orders on Andhra Pradesh retail trade policy 2015-20, focusing simplification of labour laws & processes, skill development support and single desk clearances, so as to stimulate growth in the Retail Sector for a period of 5 years from the date of notification.

2. In reference 2nd read above, the Commissioner of Labour, A.P, Hyderabad has requested to issue Notification under sub-section (4) of section 73 of the Andhra Pradesh Shops & Establishments Act , 1988 (Andhra Pradesh Act 20 of 1988), granting exemption to all the retail enterprises (Shops) from Sections 7,9,12,23,31 and 37 of the A.P. Shops & Estt Act, 1988 to allow to keep open everyday of the year for a period of (5) years from the date of the Notification subject to the certain conditions.

3. After careful examination of the proposal, Govt., have decided to Grant of exemption to all retail enterprises from sections 7 ,9, 12, 23, 31 and 37 of the Andhra Pradesh Shops and Establishments Act, 1988 subject to certain conditions, to allow all retail enterprises to keep open every day of the year.

4. Accordingly, the following notification shall be published in on Extraordinary Issue of the Andhra Pradesh Gazette, dt:28.05.2016.:-

NOTIFICATION

In exercise of the powers conferred under sub - section (4) of section 73 of the Andhra Pradesh Shops and Establishments Act, 1988 (Andhra Pradesh Act 20 of 1988), the Government of Andhra Pradesh hereby grant exemption to all retail enterprises from sections 7 ,9, 12, 23, 31 and 37 of the said Act to allow to keep open all the retail enterprises every day of the year for a period of five (5) years from the date of this notification subject to the following conditions, namely :-

1) Retail enterprise is a "shop" as defined under section 2 (21) of the A.P. Shops and Establishments Act, 1988.

2) Retail enterprises shall be allowed to stay open every day of the year provided that the employees are given compensatory, compulsory weekly holiday on a preferential basis without any deduction of benefits, monetary and otherwise. List of such holidays for a month shall be placed on notice boards in advance.

3) Working hours of the employees shall be a maximum of 8 hours per day and not more than 48 hours in a week. Manpower deployment details shall be added to the application for registration by the employer, which is now online under the Integrated Registration Act, 2015.

4) Record of overtime shall be maintained in wages register separately in respect of the employees who worked beyond normal working hours and wages for overtime shall be paid to all eligible employees at twice the ordinary rate of wages.

P.T.O.

5) The employees working on a national, festival or other holiday shall be given a compensatory holiday with wages at twice the ordinary rate of wages for work on a holiday. Compensatory holiday to such employees shall be given within thirty days from the date of holiday.

6) Retail enterprises shall be allowed to operate between 6 AM and 11 PM IST, provided employees work in a minimum of two shifts with a minimum of one hour changeover period, subject to the condition that the employer shall furnish the shift-wise employee details specifying weekly holiday for each of the employees.

7) Employment of women shall be permitted in all shifts, subject to the enterprises ensuring safe and secure working environment and secure conveyance from workplace to place of residence. The employer shall be solely responsible for ensuring the above till women employees reach respective place of residence.

8) Retail enterprises are allowed to offer part-time employment subject to the working hours for part time employees being expressly specified. Minimum per hour wage rate shall be proportionately determined in accordance with minimum monthly wage rate specified under Minimum Wages Act. Retail unit cannot engage more than 25% of its employees as part time employees. This would be subject to the enterprises strictly adhering to laws regarding child labour and other similar applicable laws

9) Wages and any other remuneration of all employees shall be paid only by way of remittance in the bank account of the employee.

10) All employees will be provided with appointment letters and a copy shall be furnished on line, to the Inspector having jurisdiction.

11) EPF & ESI contributions of both employee as well as employer shall be remitted every month.

12) Retail enterprises are allowed to maintain record like wages register, muster roll in respect of the employees in electronic form which shall be accessible online to the inspector under the Act.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

G. ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

The Commissioner, Printing, Stationery and Stores Purchase, Andhra Pradesh, Hyderabad for publication in the Extra-ordinary issue of Andhra Pradesh Gazette and supply 20 copies to Government, 1000 copies to the Commissioner of Labour, Andhra Pradesh, Hyderabad.
The Commissioner of Labour, Andhra Pradesh, Hyderabad.
All Collectors, through Commissioner of Labour, Andhra Pradesh, Hyderabad.
The Andhra Pradesh Chambers of Commerce & Industry Federation,
40-1-144, 3rd Floor, Corporate, Building, Hotel Fotune Jn. Side of Chandana Grand, M.G. Road, Vijayawada-10.
The Retailer's Association of India, Mumbai.
The Secretary to Government & Commissioner for industrial Promotion, Industries and Commerce Department, Government of A.P, Hyderabad.
The Secretary to Government of India, Ministry of Labour& Employment, Shram shakti Bhavan, New Delhi.
The Secretary to Government, Department of Labour& Employment, Government of Tamilnadu, Chennai.
The Law (B) Department.
Copy to:
The OSD to the Hon'ble Minister for Labour.
The P.S. to Prl. Secretary, LET & F Department.
The P.A. to Joint Secretary, LET & F Department.
SF/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER